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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,650	12/12/2000	David Michael Kurn	20206-037 (P00-3419)	8285

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EXAMINER

DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 05/28/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,650

Applicant(s)

KURN ET AL.

Examiner

Zachary A Davis

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 208. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

3. The disclosure is objected to because of the following informalities:

On page 20, lines 30-31, reference is made to steps 206 and 208 of the method of Figure 2. Referring to Figure 2, it appears that these are intended to refer to steps 205 and 206 of the figure, respectively.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Appropriate correction is required.

Claim Objections

4. Applicant is advised that should claim 2 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at least one server" in line 2 of the claim. The claim also recites the limitation "said server" in lines 4, 5, and 10. Because the limitation "at least one server" can indicate more than one server, it is unclear to which server the limitation "said server" is referring. This renders the claim indefinite. Similarly, the claim

recites the limitation "at least one master key" in line 6 and the limitation "said keys" in line 8. If the limitation "at least one master key" refers to only one key, then the limitation "said keys" becomes unclear. This further renders the claim indefinite.

Claims 2-6 are rejected due to their dependence on rejected claim 1.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugimori, US Patent 6477507.

In reference to Claim 1, Sugimori discloses a cryptographic system including a server (Figure 1, server system 2; column 7, line 36-column 8, line 17), a database containing sensitive information (Figure 1, contents database 23), and a key repository authorizing access to the information in the data base and having a master key for managing information in the database (Figure 1, contents/key distributing section 22 and key database 25).

In reference to Claims 2 and 4, Sugimori further discloses that a signal is transmitted from an application to the repository (column 6, lines 64-66 where the contents/key requesting section makes a request; see also column 9, lines 3-12).

In reference to Claim 3, Sugimori further discloses that the application is pre-authorized to receive the information (column 7, lines 41-48).

In reference to Claim 5, Sugimori further discloses that the key repository is in physical memory (column 10, lines 12-15 where the key database is stored in a disk unit; also note Figure 4, application memory 204).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimori in view of Eide et al, US Patent 6243774.

Sugimori discloses everything as applied to Claim 1 above. Sugimori further discloses that the key repository is in physical memory (column 10, lines 12-15; Figure 4, application memory 204). However, Sugimori does not explicitly disclose that the physical memory is non-swappable.

Eide discloses a system for managing computer resources that includes storing critical information in non-swappable memory (column 19, lines 32-42)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sugimori with Eide's method of managing computer resources by storing the key repository in non-swappable memory, in order to allow the key repository process to be accessible at all times. By having the key repository process accessible at all times, any hardware devices being installed are easily checked for proper association with a computing resource (see Eide, column 3, line 63-column 4, line 11).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Parker, US Patent 5220603, discloses a system for controlling access to an application using a key distribution server.
- b. Torii et al, US Patent 5313521, discloses a key distribution protocol including a file server and a key distribution center.
- c. Kelly, US Patent 5475757, discloses a secure data transmission method including a key repository connected to a server.
- d. Yamaguchi et al, US Patent 5600722, discloses a cryptographic system including a server and a key distribution center.

- e. Shambroom, US Patent 5923796, discloses a system including a key distribution center that determines access permissions.
- f. Pensak et al, US Patent 6289450, discloses a system for access control of documents including a database of encryption and decryption keys on a server.
- g. Ly, US Patent 6405312, discloses a system including a Kerberos server with a key distribution center.
- h. Asad et al, US Patent 6539093, discloses a system for organizing and controlling access to keys for access to secure applications.
- i. Marvit et al, US Patent 6625734, discloses a system for controlling access to messages and information using a key repository on a server containing a database.
- j. Lloyd et al, US Patent 6691231, discloses a method and apparatus for providing access to security related data.
- k. Ewertz et al, US Patent 5479639, discloses a system of paged non-volatile memory including pages which are non-swappable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A Davis whose telephone number is (703) 305-8902. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Matthew Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
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